

## PART B: ENTRANCE RULES

## CONTENTS

1.	GENERAL PROVISIONS .....	1
1.1.	Definitions.....	1
1.2.	Purpose and Authority.....	3
1.3.	Applicability.....	4
A.	General .....	4
B.	Relationship to Municipal or Land Use Regulation Commission Requirements .....	4
2.	TECHNICAL STANDARDS .....	4
2.1	Basic Safety Standards .....	4
A.	Sight Distance.....	4
B.	Entrance Width.....	5
C.	Corner Clearance .....	5
D.	Turnaround Area / Parking .....	5
E.	Drainage Standards.....	5
F.	Intersection Angle / Radius of Edges.....	6
G.	Profile Requirements. ....	6
2.2	Major Collector & Arterial Standards.....	6
A.	Paving of Entrance .....	6
B.	Corner Clearance From Controlled Access Off-Ramp .....	6
C.	On-Street Parking Requirements .....	6
D.	Radius of Edges .....	6
E.	Throat Length.....	7
F.	Entrance Separator Strips .....	7
G.	Loading Dock Requirements .....	7
H.	One-way Entrance Requirements.....	7
I.	Double Frontage Lots .....	8
2.3	<b>Mobility Arterial Standards.....</b>	<b>8</b>
A.	<b>Mobility Sight Distance.....</b>	<b>8</b>
B.	<b>Spacing Between Entrances.....</b>	<b>8</b>
C.	<b>Arterial Corner Clearance.....</b>	<b>9</b>
D.	<b>Number of Entrances .....</b>	<b>9</b>
E.	<b>Traffic Signal Restrictions .....</b>	<b>9</b>
	(1) <b>Prohibition on 55 mph Arterials .....</b>	<b>9</b>
	(2) <b>Signal Spacing Requirements .....</b>	<b>9</b>
F.	<b>Limitation on Location of Public Facilities .....</b>	<b>10</b>
G.	<b>Shared Entrances.....</b>	<b>10</b>
H.	<b>Mitigation.....</b>	<b>11</b>
2.4	<b>Retrograde Arterial Standards.....</b>	<b>12</b>
A.	<b>Traffic Study.....</b>	<b>12</b>
B.	<b>Paved Shoulders .....</b>	<b>12</b>
C.	<b>Mobility Enhancement Measures.....</b>	<b>12</b>
3.	ADMINISTRATION.....	12
3.1	Application.....	12
A.	New Entrances.....	13
B.	Alteration of Existing Entrances.....	13
C.	Change of Use .....	13
D.	Sources of Data and Information Requirements .....	13
3.2	On-Site Meeting .....	14
3.3	Review and Decision.....	14

A.	Review of Application for Completeness .....	14
B.	Review of Application for Issuance.....	14
C.	Approvals .....	14
D.	Waiver of Standards .....	15
E.	Denials.....	16
F.	Permit Expiration.....	16
<b>3.4</b>	<b>Permit By Rule for Forest Management and Farming Entrances .....</b>	<b>17</b>
A.	<b>Filing the Permit by Rule (PBR) .....</b>	<b>17</b>
B.	<b>Applicable Standards .....</b>	<b>17</b>
C.	<b>Change of Use .....</b>	<b>17</b>
D.	<b>Permit By Rule Approval.....</b>	<b>17</b>
3.5	Reconsideration.....	17
<b>3.6</b>	<b>Violation and Penalty.....</b>	<b>18</b>
3.7	Appeals.....	18

## APPENDICES

*(APA Office Note: electronic versions of the appendices are not available at this time. Please contact the Department of Transportation for paper copies.)*

*(MDOT Note: appendices are available at <http://www.state.me.us/mdot/planning/bureauweb/accesslinks.htm>)*

- A. Maine Department of Transportation (MDOT) Contact Information
- B. List of Citations and Associated Text
- C1. List of State and State Aid Highways outside Urban Compact Areas Affected by the Driveway and Entrance Rules, Including Major Collectors, Non-Compact Arterials
- C2. List and Description of Mobility Arterial and Retrograde Arterial Corridors
- D. List of Urban Compact and Service Center Communities
- E. Permit By Rule (PBR) Application Form for Forest & Farm Activities
- F. Application Form for Driveways and Entrances
- G. MDOT Standard Design Details

## 1. GENERAL PROVISIONS

### 1.1 Definitions

For the purposes of this rule, the following definitions will apply. If not defined below, the definitions contained in companion rules, Part A, Driveway Rules, as well as in 17-229 Maine Administrative Rules, Chapter 305, Rules and Regulations pertaining to Traffic Movement Permits, will apply. If not defined in these rules, words, terms and phrases will have their commonly accepted meaning.

- **Access.** A public or private roadway used to enter or leave a public highway from adjacent land using an on-road motor vehicle. An access may be a driveway or an entrance depending upon the type of land use and volume of traffic generated by that use.
- **Access Point.** The intersection of an existing or proposed access with the public right of way.
- **Alteration.** A change in the grade, width or location of a driveway, including its relocation.
- **Applicant.** The person applying for a driveway permit.
- **Arterials.** A highway providing long-distance connections as approved by the Federal Highway Administration pursuant to 23 Code of Federal Regulations, Section 470.105(b)(1999) and as so designated by MDOT.
- **Change in Use.** A change or increase in building floor area or density on the property accessed by the entrance that results in an increase in daily traffic or drainage. Examples include a change from farming or forestry use to a single-family residence or a residential subdivision or a change from residential to commercial use or a change from a single-family residence to a multifamily dwelling. A restaurant expansion adding patron capacity is a change in use. A change in ownership is not a change in use.
- **Corner Clearance.** The minimum distance, measured parallel to a highway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of an entrance excluding its radii.
- **Design Vehicle.** The longest and widest vehicle expected to use the entrance on a regular basis as reasonably determined by MDOT. Regular basis means several times during any week; the use need not be daily.
- **Designated Downtown.** The area as defined in 30-A M.R.S.A. §4301, subsections 5-A.A and 5-A.B.
- **Driveway.** An access serving one of the following land uses: residential uses up to five dwelling units, home occupations, forest management activities, farming, low impact industrial uses such as utility substations, or other similar uses, unless the MDOT demonstrates, in accordance with the Trip Generation Manual, 6th Edition,

published by the Institute of Traffic Engineers (1997) that the use generates 50 or more vehicle trips per day.

- **Entrance.** An access serving one of the following land uses: residential uses or developments serving six or more dwelling units, retail, office, or service business uses including department stores, strip malls, convenience stores, gas stations, auto repair shops, restaurants, or similar uses unless the applicant demonstrates to the reasonable satisfaction of MDOT, in accordance with the Trip Generation Manual, 6th Edition, published by the Institute of Traffic Engineers (1997) that the use generates less than 50 vehicle trips per day.
- **Entrance Width.** The distance across the entrance, excluding radii, measured parallel to the highway.
- **Forest Management Activities.** Activities consisting of timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber-stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar or associated activities.
- **Forest Management Road.** A route or track consisting of a bed of exposed mineral soil, gravel or other surfacing material constructed for or created by the repeated passage of motorized vehicles and used primarily for forest management activities, including associated log yard and winter haul roads.
- **Larger vehicle.** A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pick up trucks including busses, commercial trucks, and recreational vehicles.
- **Lot(s) of Record.** A lot or lots for which the deed was legally recorded on or before the effective date of this rule or which was created by a plan legally recorded in the County Registry of Deeds on or before the effective date of this rule.
- **MDOT or the Department.** The Maine Department of Transportation.
- **Major Collector.** A highway located outside the urban compact area that provides connections between Arterials and local roads as designated by MDOT. Major Collectors are listed in Appendix C.
- **Mobility Arterial or Mobility Arterial Corridor.** A Non-Compact Arterial that (1) has a posted speed limit of 40 mph or more and is part of an arterial corridor located between Urban Compact Areas or Service Centers that carries an average annual daily traffic of at least 5,000 vehicles per day for at least 50% of its length or (2) is part of a Retrograde Arterial Corridor located between Mobility Arterials described in (1). Mobility Arterials are listed in Appendix C.
- **Mobility Sight Distance.** The sight distance required to allow a vehicle entering the highway to reach 85 % of the posted speed without being overtaken by a vehicle traveling at the posted speed and approaching the entering vehicle from behind.

- **Non-compact Arterial.** An Arterial that lies outside Urban Compact Areas of Urban Compact Communities. Non-compact Arterials are listed in Appendix C.
- **Permit by Rule.** A simplified procedure for forest management and farming activities by which the applicant may obtain a permit for maintenance or construction of an entrance necessary for the duration of the operation or activity.
- **Posted Speed.** The speed limit set and maintained by MDOT.
- **Retrograde Arterial.** A Mobility Arterial where the access related crash-per-mile rate exceeds the 1999 statewide average for Arterials of the same-posted speed limit. Retrograde Arterials are listed in Appendix C.
- **Service Center.** Communities that serve the surrounding region, drawing workers, shoppers and others into the community for jobs and services. A list of Urban Compact and Service Center Communities is attached as Appendix D.
- **Sight Distance.** The length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in a access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement shall be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 4¼ feet above the pavement.
- **State or State Aid Highways.** Highways designated by MDOT as a State or State Aid Highway pursuant to 23 M.R.S.A. §53. State and State Aid Highways are listed in Appendix C.
- **Urban Compact Areas.** Areas defined and established pursuant to 23 M.R.S.A. §754 as of the effective date of this rule. A list of Urban Compact and Service Center Communities is attached as Appendix D.
- **Vehicle trip.** Moving from an origination point to a destination point, one-way. It is not a round trip.

## 1.2 Purpose and Authority

The purpose of the rules is to manage access to the highway in a manner that protects the safety of access and highway users, protects the highway system from the negative impacts of drainage, preserves mobility and the economic productivity related to highway transportation, and avoids the long term cost of constructing new highway capacity. This rule is authorized by 23 M.R.S.A. §52 and §704.

### 1.3 Applicability

- A. General. This rule applies to all public or private accesses onto state and state aid highways located outside urban compact areas, to the design, location, construction, alteration, and closure of such accesses, and to situations in which changes in use serviced by such accesses increases traffic volume.
- B. Relationship to Municipal or Land Use Regulation Commission (LURC) Requirements. Nothing in this rule supplants any municipal ordinance or LURC regulation. Where the provisions of this rule differ from a provision of a municipal ordinance or LURC regulation, the most stringent or restrictive provision as relates to the purpose of these rules will apply.

## 2. TECHNICAL STANDARDS

The technical standards that apply depend upon the type of highway. Entrances onto any state and state aid road located outside urban compact areas must comply with the basic safety standards in Section 2.1. If the entrance is onto a Major Collector or a Non-compact Arterial, it must also comply with the increased or additional standards in Section 2.2. If the entrance is onto a Mobility Arterial, it must also comply with the increased or additional standards in Sections 2.2 and 2.3. If the entrance is onto a Retrograde Arterial, it must also comply with the increased or additional standards in Sections 2.2, 2.3 and 2.4.

### 2.1 Basic Safety Standards

- A. Sight Distance. The minimum allowable sight distances for all entrances onto all state and state aid highways located outside urban compact areas are set forth in Table 1. For standard passenger vehicles, the sight distances shown in the middle column apply. Unless a waiver is granted pursuant to Section 3.3(D), if more than 30% of the traffic projected to use the proposed entrance will be larger vehicles, the sight distances shown in the right hand column apply.

Table 1 – Sight Distance

Posted Speed	Sight Distance Standard Vehicles	Sight Distance Larger Vehicles
(MPH)	(Feet)	(Feet)
20	155	230
25	200	300
30	250	375
35	305	455
40	360	540
45	425	635
50	495	740
55	570	855
60	645	965

- B. Entrance Width. If 30% or less of the traffic projected to use the proposed entrance will be larger vehicles, the width of a two-way entrance within the highway right of way must be between 22 and 30 feet inclusive, unless a waiver is granted pursuant to Section 3.3(D). If more than 30% of the traffic projected to use the proposed entrance will be larger vehicles, the width of a two-way entrance within the highway right of way must be between 30 and 42 feet inclusive, unless a waiver is granted pursuant to Section 3.3(D). Entrances must be designed in accordance with the MDOT Standard Details included in Appendix G. Unless a waiver is granted pursuant to Section 3.3(D), the entrance width will be the minimum necessary to accommodate the design-vehicle.
- C. Corner Clearance. Unless a waiver is granted pursuant to Section 3.3(D), the minimum corner clearance for entrances onto Major Collectors or Non-Compact Arterials must be 100 feet for un-signalized intersections and 125 feet for signalized intersections except that at no time will an entrance be located on the radius of the two intersecting roadways.
- D. Turnaround Area / Parking. Entrances will be designed such that all maneuvering and parking of any vehicles will take place outside of the highway right of way and such that vehicles may exit the premises without backing onto the highway traveled way or shoulder. All entrances must have a turnaround area with a width of at least 8 feet and a length of at least 15 feet or the length of the design vehicle, whichever is greater.
- E. Drainage Standards
  - (1) Culvert Size. Pursuant to 23 M.R.S.A. §705, MDOT will determine the diameter of culverts within the highway right of way depending upon local conditions.
  - (2) Construction and Maintenance Standards. Driveways, on-site ditches, swales, pipes and other structures that direct runoff toward MDOT ditches or drainage systems must be constructed, crowned, stabilized and maintained with stable materials and appropriate erosion control measures such as permanent vegetation or stone.
  - (3) Mitigation. If the proposed development poses a significant drainage risk, then the applicant must mitigate the impacts of increases in peak flow from storms into MDOT drainage systems through measures specified by MDOT. Mitigation measures may include on-site controls, off-site improvements, or payment of a fee pursuant to 23 M.R.S.A. §57-A. A “significant drainage risk” exists (a) when the applicant proposes a fixed connection to a closed system drainage structure owned by the MDOT or (b) when MDOT determines, using accepted engineering and hydrologic principles, that: (i) the proposed driveway has a grade of 10% or greater for a length of 150 feet or more draining toward the highway; (ii) the proposed development has more than 10,000 square feet of impervious surface draining toward the highway, or (iii) the proposed development will substantially contribute to the failure of a downstream MDOT facility. “Impervious surfaces” are the

footprint of buildings, pavement, gravel, or other low-permeability or compacted surfaces, not including natural or man-made water bodies; “Peak flow” is the greatest rate of flow in a drainage way, measured as volume per unit of time, resulting from storms up to a 50-year event.

- (4) Retail Fueling Station Requirements. Applicants with entrances for use by retail fueling stations proposing fixed connections to a closed system drainage structure owned by the MDOT must demonstrate that in the event of a spill, deposit of contaminants in the right-of-way of the state or state aid highway will be contained.

- F. Intersection Angle / Radius of Edges. To the maximum extent practical, the entrance must be constructed perpendicular to the highway at the access point. Except where curbing exists or is proposed, the minimum radius on the edges of an entrance must be 10 feet, unless a waiver is granted pursuant to Section 3.3(D).
- G. Profile Requirements. The profile of the entrance must comply with the MDOT Standard Details included in Appendix G, unless a waiver is granted pursuant to Section 3.3(D).

## 2.2 Major Collector & Arterial Standards

In addition to the standards in Section 2.1, entrances onto Major Collectors & Non-compact Arterials must also comply with the increased or additional standards in this Section 2.2.

- A. Paving of Entrance. The entrance including all radii must be paved from the edge of pavement of the highway to the highway right-of-way or to the length of the design vehicle, whichever is greater, unless a waiver is granted pursuant to Section 3.3(D).
- B. Corner Clearance from Controlled Access Off-Ramp. The minimum corner clearance from a controlled access off-ramp must be 500 feet, unless a waiver is granted pursuant to Section 3.3(D). Minimum corner clearance for driveways onto Mobility Arterials from controlled access on-ramps must meet the requirements of Section 2.1(C).
- C. On-Street Parking. Except in Designated Downtowns with existing posted speeds at or below 35 mph, parking within the highway right-of-way is prohibited. In Designated Downtowns with posted speeds at or below 35 mph, only parallel or diagonal on-street parking is permitted. Perpendicular parking is prohibited. Direct access into one or more off-street parking spaces is prohibited. Parking must not be situated such that it blocks sight distance along the highway or where vehicle headlights within the parking area may interfere with vision of drivers on the highway.
- D. Radius of Edges. Except where curbing exists or is proposed, the minimum radius on the edge of an entrance must be sufficient to allow the design vehicle to enter the entrance without encroaching into the path of exiting vehicles in accordance with the MDOT Standard Details included in Appendix G, unless a waiver is granted pursuant to Section 3.3(D).



- E. **Throat Length.** The throat is a portion of an entrance used to store vehicles waiting to exit from the entrance. The throat must be of sufficient length to prevent incoming vehicles from queuing back into the highway. Access from the throat to parking or other areas is prohibited, unless a waiver is granted pursuant to Section 3.3(D).
- F. **Entrance Separator Strips.** A separator strip is a strip of land that separates the roadway from the throat or parking area of an entrance. Entrance separator strips must be installed between the parking area and the roadway and along the throat, unless a waiver is granted pursuant to Section 3.3(D). The separator strip may include curbing, walkways, ditching or vegetation. The separator strip must extend away from the highway to the greater of (1) 5 feet from the right-of-way limits, (2) in areas where the right of way limits are defined by wrought portion, 7 feet from the edge of a clearly evident shoulder, or (3) in such wrought portion areas where a shoulder is not clearly evident, 9 feet from the edge of the traveled way. The property owner must maintain any vegetation within the separator strip such that it does not interfere with the sight distance at the entrance. In areas where sidewalks exist, curbing or wheel stops must be provided to prevent parking vehicles from interfering with pedestrian flow.
- G. **Loading Dock Requirements.** Loading docks or other delivery areas must not be located within the right-of-way and must be situated so that delivery vehicles do not encroach on the highway right-of-way. All trucks must maneuver entirely on-site.
- H. **One-way Entrance Requirements.** If a one-way system is proposed and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and smoothly. Otherwise, all entrances will be configured perpendicular to the highway for at least the length of the design vehicle.

A physical separation of curbing, ditching, grass or other landscaping must be used for one-way entrances and must be designed and constructed to prevent adjacent one-way entrances from becoming one entrance in practice. Both portions of a one-way entrance on a single lot must be separated from another one-way entrance by at least 12 feet. Both portions of a one-way entrance abutting a sidewalk must have a minimum separation of at least 18 feet and allow for 7 foot terminal ends and at least a 4 foot header in between. A terminal end is the end section of a run of curb that is sloped to aid the design vehicle in turning into the entrance or to meet Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 *et seq.*, requirements. A header is a piece of curbing between two terminal ends.

A one-way entrance abutting a curbed, non-sidewalk section must have a minimum separation of at least 12 feet and allow for two 4-foot terminal ends separated by at least a 4-foot header.

- I. **Double Frontage Lots.** When lots have frontage on both a Major Collector or a Non-compact Arterial and another public way, entrances will be restricted to the other public way, unless MDOT determines that queuing of traffic using an entrance off the other public way would interfere with traffic on the Major Collector or a Non-compact

Arterial due to insufficient lot frontage along the other public way. If the other public way is a mobility or retrograde arterial the entrance must be located on the highway frontage that allows the intent of this rule to be most effectively and efficiently met.

### **2.3 Mobility Arterial Standards**

**In addition to the applicable standards in Sections 2.1 and 2.2, entrances onto Mobility Arterials must also comply with the increased or additional standards in this Section 2.3.**

- A. Mobility Sight Distance. The sight distance for entrances onto Mobility Arterials must meet or exceed the distance listed in Table 2, unless a waiver is granted pursuant to Section 3.3(D). Sight distance is measured in accordance with its definition.**

**Table 2 - Mobility Sight Distance**

<b>Applicable Speed (MPH)</b>	<b>Sight Distance (Feet)</b>
<b>20</b>	<b>225</b>
<b>25</b>	<b>300</b>
<b>30</b>	<b>380</b>
<b>35</b>	<b>480</b>
<b>40</b>	<b>580</b>
<b>45</b>	<b>710</b>
<b>50</b>	<b>840</b>
<b>55</b>	<b>990</b>
<b>60</b>	<b>1,150</b>

- B. Spacing Between Entrances. Unless a waiver is granted pursuant to Section 3.3(D), new entrances onto Mobility Arterials must be separated from other existing or proposed driveways or entrances including those located across the highway and those serving the same lot, in accordance with the minimum spacing standards set forth in Table 3. Entrance spacing is measured from edge of driveway/entrance to edge of driveway/entrance, excluding radii. Driveways or entrances located directly across the highway from the proposed entrance will not be counted in applying the spacing standard.**

**Table 3 – Minimum Entrance Spacing Standards**

<b>Posted Speed (MPH)</b>	<b>Entrance Separation (Feet)</b>
<b>25 or less</b>	<b>90</b>
<b>30</b>	<b>105</b>
<b>35</b>	<b>130</b>
<b>40</b>	<b>175</b>
<b>45</b>	<b>265</b>
<b>50</b>	<b>350</b>
<b>55 or more</b>	<b>525</b>

When the traffic volume from the proposed entrance warrants installation of a traffic signal, the Minimum Signal Spacing standards in Table 4 will supplant the entrance spacing standards set forth in Table 3, unless the signal spacing standards are waived pursuant to Section 3.3(D).

- C. Mobility Arterial Corner Clearance.** The minimum corner clearance for entrances onto Mobility Arterials must be 125 feet, except as provided in Section 2.2(C) regarding controlled access off-ramps, and except that MDOT may require increased corner clearance if MDOT reasonably determines that the proposed entrance will significantly impact public safety or cause a reduction in posted speed.
- D. Number of Entrances.** Except for forestry management and farming activities, lots on Mobility Arterials will be limited to one two-way or two one-way entrances, unless a waiver is granted pursuant to a Section 3.3(D).
- E. Traffic Signal Restrictions.**
  - (1) Prohibition on 55 mph Arterials.** No proposed entrance will be permitted on a Mobility Arterial with a posted speed limit of 55 mph or greater if the proposed entrance serves a development that warrants installation of a traffic signal.
  - (2) Signal Spacing.** Unless a waiver is granted pursuant to Section 3.3 (D), traffic signals will be restricted such that they are spaced along the Mobility Arterial so as to meet or exceed the distances set forth in Table 4.

**Table 4 - Minimum Signal Spacing**

<b>Applicable Speed</b>	<b>Applicable Non-compact Arterials</b>
<b>Mph</b>	<b>Feet</b>
<b>20</b>	<b>1,300</b>
<b>25</b>	<b>1,600</b>
<b>30</b>	<b>1,800</b>
<b>35</b>	<b>2,200</b>
<b>40</b>	<b>2,600</b>
<b>45</b>	<b>3,000</b>
<b>50</b>	<b>3,600</b>
<b>55</b>	<b>Not Permitted</b>

**F. Limitation on Location of Public Facilities.** Except as provided otherwise in this section and unless waived pursuant to Section 3.3. (D), a public facility will not be granted an entrance onto a Mobility Arterial where the posted speed limit equals or exceeds 45 mph. Public facility means all improvements owned or operated by the state, a municipality, school administrative district or other public educational entity, regulated public utility, or other public entity. Public facilities include, but are not limited to, municipal offices, public works garages, and schools. This limitation does not apply to:

- **Official State Visitor Information Centers and Traveler Rest Areas.**
- **State Park-and-Ride facilities.**
- **State or Federal recreation facilities (parks, boat launch areas and other similar facilities).**
- **Municipal recreation facilities where it can be shown that no other reasonable or feasible alternative exists.**
- **Public Facilities in the planning stages and for which public expenditures in the form of acquisition, final design and construction have already been made or committed before the effective date of this rule.**
- **Public facilities that generate sufficiently low volume of traffic so as to qualify for a driveway permit pursuant to MDOT's Driveway Rules, 17-229 Maine Administrative Rules Chapter 299, Part A. Such facilities may include fire towers, power substations, water towers or sanitary pump stations and telephone equipment huts.**

**G. Shared Entrances.** Whenever possible, property owners must seek opportunities for shared entrances onto Mobility Arterials. Owners of existing lots of record that have insufficient frontage to meet the spacing standards of Section 2.3 (B) must negotiate with abutters in good faith for a shared entrance. If no agreement is reached, property owners must provide a

**sworn statement of such attempts to negotiate. If the statement indicates a good faith attempt to negotiate, such statement will be a conclusive demonstration that a shared entrance is not feasible.**

- H. Mitigation.** MDOT may require mitigation of traffic impacts from a proposed entrance onto a Mobility Arterial, even if all other requirements of these rules are met, if MDOT reasonably determines, based upon accepted traffic engineering principles, that the proposed entrance will significantly impact public safety or cause a reduction in posted speed. In making such determinations, MDOT may consider existing or anticipated development patterns and highway improvements.

**If mitigation is required, applicants will be required to employ and, in some instances maintain, one or more of the mitigation techniques listed below. Such techniques generally will be considered in the order listed based upon the degree of impact of the proposed entrance.**

- (1) Signage**
- (2) Removal of vegetation**
- (3) Lighting**
- (4) Payment of a fee pursuant to 23 M.R.S.A. §57-A equal to an amount necessary for MDOT to purchase an easement on an adjacent lot for purposes of developing a shared entrance.**
- (5) Payment of a fee pursuant to 23 M.R.S.A. §57-A equal to an amount necessary for MDOT to purchase easements across one or more lots for purposes of developing a frontage road for entrances serving residential subdivisions or commercial or industrial uses or parks.**
- (6) Center and/or two-way left turn lanes.**
- (7) Acceleration and/or deceleration lanes.**
- (8) Medians and jug handles or turnarounds.**
- (9) Grade or alignment change to the Mobility Arterial**
- (10) Signal installation for entrances in accordance with Section 2.3(E)(2) unless specifically prohibited by this rule.**

**Whenever construction occurs within the MDOT right-of-way, a construction and maintenance agreement between MDOT and the applicant generally will be required.**

## **2.4 Retrograde Arterial Standards**

**In addition to the applicable standards in Sections 2.1, 2.2, and 2.3, entrances onto Retrograde Arterials must also comply with the increased or additional standards in this Section 2.4.**

- A. Traffic Study.** When the proposed entrance is projected to generate between 10 and 99 passenger car equivalent trips in a peak hour, MDOT may require the applicant to develop a traffic impact study in accordance with 17-229, Maine Administrative Rules, Chapter 305, Rules and Regulations pertaining to Traffic Movement Permits, pursuant to 23 M.R.S.A. §704-A.
- B. Paved Shoulders.** MDOT may require the applicant to create or expand paved shoulders along the highway at the proposed entrance to assure and improve safe access and egress to and from the highway.
- C. Mobility Enhancement Measures.** MDOT may require applicants to provide for improvement of the existing safety or mobility levels through mobility enhancement measures if MDOT reasonably determines, based upon accepted traffic engineering principles, that the proposed entrance will significantly impact public safety or cause a reduction in posted speed. Mobility enhancement measures include:
  - (1) Elimination, combination or modification of existing driveways or entrances within the retrograde arterial corridor.**
  - (2) Development of frontage, backage or other service road within the retrograde arterial corridor to provide alternate access to existing driveways or entrances.**

**Such measures may be implemented either by willing buyer and willing seller agreements or by payment of a fee pursuant to 23 M.R.S.A. §57-A to the MDOT to acquire the rights necessary to implement one of such measures.**

## **3. ADMINISTRATION**

A permit must be issued by MDOT prior to commencement of construction, alteration, or removal of any portion of an access that is within the highway.

### **3.1 Application**

The applicant must complete MDOT's Entrance Permit Application or Permit by Rule form and submit it to the MDOT Division Office having jurisdiction over the state or state aid highways onto which the driveway is proposed. If an applicant seeks a waiver from the entrance standards, the request and the reasons for the requested waiver must be submitted as an attachment to the application form.

- A. New Entrances. Applications for new entrances will be made on MDOT's application form and will be subject to the following additional requirements:
- (1) Medium Volume Entrances. A medium volume entrance is one that generates between 10 and 99 passenger car equivalent trips in the peak hour. Such applications must comply with the performance standards outlined in this rule. Where runoff from the development served by the entrance enters the highway drainage system, the Department may require the applicant to submit a drainage impact analysis performed by a Registered Professional Engineer licensed in the State of Maine. When located on a Mobility or Retrograde Arterial, the Department may require the applicant to develop a traffic impact study in accordance with 17-229, Maine Administrative Rules, Chapter 305, Rules and Regulations pertaining to Traffic Movement Permits pursuant to 23 M.R.S.A. §704-A. The MDOT reserves the right to require attachments or analyses to such applications that may be reasonably necessary to review and assess the application or complete the permit application.
  - (2) High Volume Entrances. A high volume entrance is one that generates 100 or more passenger car equivalent (pce) trips in the peak hour in any one day. Such applications must comply with the performance standards outlined in this rule unless already more restrictive in the Traffic Movement Permit rule; however, all other application procedures, including the issuance of a permit, will be in accordance with requirements in 17-229, Maine Administrative Rule, Chapter 305, Rules and Regulations Pertaining to Traffic Movement Permits, pursuant to M.R.S.A. 23 §704-A. Only the Traffic Movement Permit is required.
  - (3) Costs. All costs associated with development of traffic or drainage impact analyses must be borne by the applicant.
- B. Alteration of Existing Entrance. Applications that seek an alteration to an entrance that existed on the effective date of this rule and that does not conform to the entrance standards outlined in this rule, will be approved provided the alteration does not increase any such non-conformance and as long as the safety and drainage impact of the entrance is improved. If the approved alteration is for relocation, the permit will require the elimination of the former entrance such that it can no longer be used to access the highway or adjacent land.
- C. Change of Use. A new entrance permit will be required for existing entrances when the use being served by such entrance will change such that an increase in traffic or drainage may result. The standards outlined in Section 2 will apply.
- D. Sources of Data and Information Requirements. Applications for entrances must be consistent with the data and information requirements of these resources: "A Policy on Geometric Design of Highways and Streets", 1994, AASHTO, and "State Standards Highway Design Guide" MDOT, 2000, available at MDOT.

### 3.2 On-Site Meeting

If MDOT determines that a site visit is required to assure compliance with this rule or if the applicant requests a site visit MDOT will arrange an on-site meeting with the applicant within one business week of receiving an application.

### 3.3 Reviews and Decision

- A. Review of Application for Completeness. The Department will accept applications for entrance permits after determining that all information required for making a decision on the application has been submitted.

At the time the application is filed or re-filed, the Department will provide the applicant with a receipt indicating the time and date the application is received and will have 20 working days to determine whether the application is complete. If the application is not complete, the Department will inform the applicant in writing of the specific information required so that it may be reviewed as a complete application.

- B. Review of Application for Issuance. Except for permit applications for High Volume Entrances, which will be subject to the permit process pursuant to 23 M.R.S.A. §704-A, the Department will act upon an application within 20 working days of receiving a complete application.
- C. Approvals. If the Department finds that the accepted application information is accurate and that the design and location of the proposed entrance or the proposed alteration to the existing entrance or the change of use occurring at the existing entrance meets the requirements of this rule, and any other rule or law administered by the department, a permit approval or an approval with conditions will be issued.

**When mitigation or mobility enhancement measures are required pursuant to Sections 2.3 (H) and 2.4 (C), the Department may require the applicant, prior to construction, to submit a performance and payment bond or certified check payable to the State of Maine, in an amount and form that complies with the General Conditions of MDOT's Standard Specifications for Construction. In addition, the Department may require that notice of conditions applicable to the entrance be recorded in the appropriate Registry of Deeds.**

The MDOT may approve the application subject to any conditions necessary to assure compliance with the applicable entrance standards. Approvals will include a brief statement of the findings and conclusions supporting the approval. At a minimum, the applicant will be required to meet the following standard permit conditions:

- (1) Provide, erect and maintain all necessary barricades, lights, warning signs and other devices as directed by MDOT to safeguard traffic properly while the work is in progress.



- (2) At no time cause the highway to be closed to traffic.
- (3) Where the entrance is located within a curb, curb and gutter, and/or sidewalk section, completely remove the existing curb, curb and gutter, and/or sidewalk as may be required to create the driveway and restore drainage. All driveways abutting sidewalk sections shall meet the requirements set forth in the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 *et seq.*
- (4) Obtain, deliver to site and install any culverts and/or drainage structures necessary for drainage; the size, type and length of such culverts or structures shall be as specified in the permit pursuant to 23 M.R.S.A. §705.
- (5) Complete construction of the proposed driveway within twelve months of commencement of construction.
- (6) Comply with all applicable federal, state and municipal regulations and ordinances.
- (7) Not alter, without the express written consent of the MDOT, any culverts or drainage swales within the MDOT right-of-way.
- (8) File a copy of the approved entrance permit with the affected municipality or LURC, as appropriate within 5 business days of receiving the MDOT approval.
- (9) Construct and maintain the driveway side slopes to be no steeper than the adjacent roadway side slopes, but in no case to be steeper than 3 horizontal to 1 vertical, unless the side slope is behind existing roadway guardrail, in which case it shall be no steeper than 2 horizontal to 1 vertical.
- (10) Notify the MDOT of a proposed change of use served by the driveway/entrance when increase in traffic flow is expected to occur.

- D. Waiver of Standards. Entrance standards may be relaxed or waived only as provided in these rules. Requests for waiver must be in writing and should be submitted as an attachment to the permit application.

The following standards will not be relaxed or waived: the sight distance for standard vehicles in the middle column of Table 1 in Section 2.1(A), corner clearance on Mobility Arterials in Section 2.3(C), the turnaround and parking requirements of Section 2.1(D), the drainage standards in Section 2.1(E), the on-street parking restrictions in Section 2.2(C), the loading dock requirements in Section 2.2(G), the prohibition against traffic signals on 55 mph arterials in Section 2.3(E)(1), the double frontage lot requirements in Section 2.2(I) as they apply to Non-compact Arterials, and the requirement to negotiate for a shared entrance in Section 2.3(G). Further, waivers will not be granted to a property owner whose property has been granted limited access entrances in accordance with 23 M.R.S.A. §303.

The spacing standards in Table 3 of Section 2.3(B) may be waived if the applicant meets the standards for granting a waiver set forth below and only to the extent that existing lots of record as of the effective date of these rules that do not have access to another public way and that do not have sufficient lot frontage to meet said spacing standards may be granted one driveway or entrance.

MDOT will review the request and determine whether to grant the request, deny the request, or grant the request with any reasonable condition(s) including mitigation techniques in Section 2.3(H). The request will be granted only if the applicant demonstrates, to the reasonable satisfaction of MDOT, that: (1) the waiver will not significantly impact public safety, (2) in the case of arterial highways, the waiver will not necessitate a reduction in posted speed, (3) the proposed entrance meets the standards to the maximum extent practicable, and (4) there is no feasible alternative. In determining practicability and feasibility, MDOT shall consider the nature and extent of negotiation for a shared entrance and the availability and cost of alternative entrance locations and alternate sites, and alternate designs in relation to the proposed use.

Waiver determinations must be in writing and sent to the applicant. All waivers granted must be notarized and provide that the terms thereof shall attach to and run with the land and that failure to record the waiver in the appropriate Registry of Deeds within 90 days of the date of the waiver will cause it to be null and void. The applicant is responsible for such recording and must provide a copy of the documentation of such recording by the Registry to the Department within 90 days of the date of the Department's waiver decision.

Reconsideration and appeal of waiver decisions must be made pursuant to Section 3.5 and 3.7.

- E. Denials. If the Department finds that the information provided in an accepted application is inaccurate or that the design and location of the proposed entrance or of the proposed change to the existing entrance does not meet the requirements of this rule, a permit will be denied. The denial of a permit must include a brief statement of the findings and conclusions causing such denial. Upon issuing a permit denial, the Department will also inform the applicant of the process for reconsideration or waiver, as appropriate.
- F. Permit Expiration. A permit will expire within 24 months of the date of issuance if the entrance construction is not commenced. If waivers or conditions are not recorded at the appropriate Registry of Deeds within 90 days of permit issuance, the permit will expire.

### 3.4 Permit By Rule for Forest Management and Farming Entrances

- A. **Filing Permit by Rule (PBR).** Applications for entrances for forest management and farming activities must be made pursuant to Section 3.1 or by the Permit by Rule (PBR) process. To use the PBR process, the applicant must file a completed PBR application form with MDOT. The applicant may request approval of more than one entrance on one PBR form. The permit by rule application form will require sufficient information to allow the MDOT to assure compliance with the following minimum construction and maintenance standards.
- B. **Applicable Standards.** Each entrance must meet the minimum sight distance standards set forth in Section 2.1. The applicant must provide the available sight distance on the PBR application form.
- C. **Change of Use.** Property owners, or their agents, with driveways developed for forest management and farming activities on state or state aid highways who propose to convert the property use to a use other than for forest management or farming activities, must file for and obtain a permit for the proposed use.
- D. **Permit By Rule (PBR) Approval.** The PBR is approved once it is filed provided all applicable standards are met. If the PBR is found to be in non-compliance at any time after the filing date, the MDOT will notify the applicant who must remedy the non-compliance. In such instances, the MDOT may require conditions of approval as outlined in Section 3.3(C) and may limit the life of the entrance(s). If the applicant does not adhere to the conditions or correct the deficiencies, the MDOT may revoke the permit in accordance with the denial provisions of Section 3.3(E) and may commence enforcement action against the applicant in accordance with Section 3.6.

### 3.5 Reconsideration

An applicant who is aggrieved by the MDOT permit decision, may request reconsideration by the Division Engineer but must do so in writing within 30 business days after receipt of MDOT's permit decision.

The request for reconsideration must set forth the findings and conclusions of MDOT to which the person objects, the basis of those objections, the nature of the relief requested, and whether a hearing is requested. If requested by the applicant, or if MDOT determines a hearing is warranted, a hearing will be held in the community where the subject property is located, ordinarily within 15 business days of receiving the reconsideration request.

The MDOT Division Engineer will issue a written decision, ordinarily within 15 business days of receiving the reconsideration request or, if a hearing is held, within 15 business days of the close of the hearing. The decision will set forth the Division Engineer's reasons for either affirming or modifying the original permit decision.

Appeal of a reconsideration decision must be made pursuant to section 3.7.

### **3.6 Violation & Penalty**

**Any violation of this rule is subject to a fine of \$100 per day per violation. Such fine begins to accrue 30 calendar days after the MDOT sends notice of the violation to the landowner by regular and certified mail, unless within said 30 day period corrective action has been taken, or a written plan outlining corrective action to be taken is submitted and approved by MDOT. If the landowner fails to take timely corrective action in accordance with such approved plan as reasonably determined by MDOT, the fine will accrue from the date of such failure.**

**Reconsideration of a notice of violation may be requested in accordance with Section 3.5. Appeal of a reconsidered violation must be made pursuant to Section 3.7.**

### **3.7 Appeals**

Appeal of final decisions of the Division Engineer must be made in writing to the Commissioner within 15 business days of receipt of the reconsideration decision of the Division Engineer. The appeal decision of the Commissioner or his or her designee will be considered final agency action.

Judicial review of such final agency action must be in accordance with the Maine Administrative Procedure Act, 5 M.R.S.A. §11001, *et seq.* and Rule 80C of the Maine Rules of Civil Procedure.

---

*(APA Office Note: electronic versions of the appendices are not available at this time. Please contact the Department of Transportation for paper copies.)*

*(MDOT Note: appendices are available at <http://www.state.me.us/mdot/planning/bureauweb/accesslinks.htm>)*

---

EFFECTIVE DATE:  
April 15, 2001

AMENDED:  
February 3, 2002

NON-SUBSTANTIVE CORRECTIONS:  
April 5, 2002

PROVISIONAL ADOPTION FILED:  
April 10, 2001

EFFECTIVE DATE (FINAL ADOPTION):  
May 25, 2002

NON-SUBSTANTIVE CORRECTIONS:  
August 7, 2002 - inserted bold to indicate major substantive portions; corrected numbering inconsistencies